

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re: New Century Holdings TRS Inc., et al.

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Molly S. White and Ralph M. White,	:	
	:	
Appellants,	:	
	:	
v.	:	C. A. No. 13-1719
	:	
Alan M. Jacobs, Liquidating Trustee to	:	BK Case No. 07-10416
the New Century Liquidating Trust,	:	AP No. 13-91
	:	
Appellee.	:	

**RECOMMENDATION**

At Wilmington this 8<sup>th</sup> day of November, 2013.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, a teleconference was held on November 8, 2013 for an initial review and discussion with pro se appellant and counsel for appellee to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. The matter on appeal involves legal issues not limited to this appeal.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral

for mediation and proceed through the appellate process of this Court. The parties were advised of their right to file objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1. Any objections to this Recommendation shall be due on or before **November 19, 2013**, and shall be limited to **two (2) pages**. The objections may be done in letter format and captioned and docketed as "Objections to the Recommendation dated November 8, 2013." Any response to the objections shall be due on or before **December 2, 2013**, and shall be limited to **two (2) pages**. The response to the objections may be in letter format and captioned and docketed as "Response to Objections to the Recommendation dated November 8, 2013."

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE